

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

John Eric Sandles,

Plaintiff,

Case No. 12-cv-12821

v.

Honorable Sean F. Cox
United States District Court Judge

Jan Geht, *et al*,

Defendants.

OPINION AND ORDER
ADOPTING THE REPORT AND RECOMMENDATION [DOCKET NO. 41] AND
DENYING THE PLAINTIFF'S OBJECTIONS [DOCKET NOS. 43, 46-47]

On January 28, 2008, in an Order Adopting Magistrate Judge's Report and Recommendation and Dismissing Plaintiff's Complaint with Prejudice, District Court Judge Marianne O. Battani enjoined John Eric Sandles ("the Plaintiff") from filing future actions without first obtaining leave of the court. *See* Order Adopting Magistrate Judge's Report and Recommendation and Dismissing Plaintiff's Complaint with Prejudice, Dkt. No. 8, *Sandles v. United States*, Case No. 07-cv-15066. In that Order, Judge Battani recognized that, since 1995, "Plaintiff has filed some 80 cases in the federal courts." Magistrate Judge's Report and Recommendation at 2, Dkt. No. 7, *Sandles v. United States*, Case No. 07-15066 (E.D. Mich. Jan. 4, 2004). Many of those cases (if not all of them) "arise from prior convictions in this District or the Eastern District of Wisconsin, the revocation of his supervised release, and/or the conditions of his confinement (specifically the failure to receive psychiatric treatment and/or evaluation)." *See* Opinion and Order Summarily Dismissing with

Prejudice Plaintiff's Complaint, Dkt. No. 11, *Sandles v. Chastang, et al*, Case No. 12-cv-11721.

After Judge Battani issued her Order enjoining the Plaintiff from filing future actions without seeking leave of the Court, District Court Judge Patrick J. Duggan, in addressing two civil actions filed by the Plaintiff in the Wayne Circuit Court and later removed to the Eastern District of Michigan (Case No. 12-cv-12117 and Case No. 12-cv-11721), dismissed those actions for violating Judge Battani's Order, enjoined the Plaintiff from filing any future actions without first seeking leave of the court, and held that the Plaintiff shall be subject to sanctions in the amount of \$250 for each violation of Judge Battani's Order or for each filing of an *in forma pauperis* frivolous lawsuit. (Docket Nos. 13-3, 13-4.)

The Plaintiff filed this action on June 5, 2012, in the Wayne County Circuit Court. *See Sandles v. Geht, et al.* Wayne County Circuit Court, Civil Action No. 12-007591-NM. (Docket No. 1, at 2, 13-24.) The case was removed on June 27, 2012. (*Id.* at 1-4.) Thereafter, the Defendants filed their Motions to Dismiss, asserting that the Plaintiff's Complaint should be dismissed because the Plaintiff failed to obtain leave of the court before filing the Complaint in contravention of Judge Battani's Order and Judge Duggan's Orders. (Docket No. 6; Docket No. 13, at 8.) The Plaintiff filed his Motion to Remand and his Motion to Amend his Motion to Remand on July 16, 2012, and July 17, 2012, respectively. (Docket No. 7-8.) The aforementioned motions, as well as the Plaintiff's Motion to Convert Defendants' Motion to Dismiss to Summary Judgment [Docket No. 22], Motion in Opposition to Motion [Docket No. 23], Motion Addressing Defendants' Notice of Injunction [Docket 25] and Motion for Reconsideration and Objection [Docket No. 40], were referred to Magistrate Judge Mona K. Majzoub on July 18, 2012. (Docket No. 9.)

In her Report and Recommendation ("the R&R"), Magistrate Judge Majzoub recommends

denying the Plaintiff's Motions for Remand [Docket Nos. 7 and 8] and granting Defendants' Motions to Dismiss [Docket No. 6 and 13]. (Docket No. 41, at 2–3.) She further recommends denying, as moot, the Plaintiffs other motions [Docket Nos. 22, 23, 25, and 40]. (*Id.*)

The Court finds that the issues have been adequately presented in the parties' briefs and that oral argument would not significantly aid the decision making process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motion will be decided on the briefs.

After engaging in *de novo* of the R&R and reviewing the pleadings, this Court finds that the R&R accurately articulates the law and presents a well-reasoned analysis of the application of governing law to the facts of this case. The Plaintiff has violated Judge Battani's Order and Judge Duggan's Orders. It is apparent that the Plaintiff is wasting this Court's time and resources, as well as the Defendants' time and resources, on frivolous issues, which have been already litigated.

IT IS ORDERED that this Court **ADOPTS** Magistrate Judge Majzoub's Report and Recommendation [Docket No. 41]. Accordingly, the Defendants' Motions to Dismiss are **GRANTED** [Docket Nos. 6, 13], and the Plaintiff's Motions for Remand [Docket Nos. 7 and 8] are **DENIED**. The Plaintiff's other motions in this action are **DENIED AS MOOT**. The Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED that the Plaintiff shall pay **\$250** for violating Judge Battani's Order and Judge Duggan's Orders, **WITHIN 30 DAYS AFTER ENTRY OF THIS ORDER**;

IT IS FURTHER ORDERED that the Plaintiff shall be held in contempt of court if he fails to make timely payment of the \$250 sanction, **WITHIN 30 DAYS AFTER ENTRY OF THIS ORDER**;

IT IS FURTHER ORDERED that the Plaintiff is **ENJOINED** from filing subsequent actions without first seeking and obtaining leave of court;

IT IS FURTHER ORDERED that, hereafter, sanctions of **\$500** shall be imposed on the Plaintiff for each violation of this Order or for each filing of an *in forma pauperis* frivolous lawsuit;
and

IT IS FURTHER ORDERED that the Plaintiff shall be liable for any costs and attorney's fees associated with any subsequent civil proceeding that the Plaintiff files in contravention of this Order.¹

IT IS SO ORDERED.

Dated: January 16, 2013

s/ Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that on January 16, 2013, the foregoing document was served upon counsel of record by electronic means and upon John Eric Sandles by First Class Mail at the address below:

John Eric Sandles
7266 Winthrop Street
Detroit, MI 48228

Dated: January 16, 2013

s/ J. McCoy
Case Manager

¹It is further ordered that the Defendants are expected to bring Judge Battani's Order, Judge Duggan's Orders and this Court's Order to the attention of any Court in which the Plaintiff files subsequent lawsuits.